

As background, Applicant notes that an Appeal Brief has been filed in the present case subsequent to the rejection of the Amendment "C". The Appeal Brief set forth the arguments as to the important differences between the present invention and the prior art Rhodes patent. Applicant incorporates such arguments herein. Similarly, the previously submitted Response "E" also fully set forth differences between the present invention and the prior art DiSalvo patent. Applicant incorporates such arguments by reference herein. Applicant's attorney also respectfully notes that considerable expense and effort has been endured by the Applicant in the filing of repeated amendments, the Appeal and the subsequent Responses. Applicant notes that there have now been fourteen (14) documents cited in the rejection in the claims of the present application. All of these documents have been fully available to the Examiner throughout the prosecution of the present application. Certainly, the vast magnitude of documents, and the continued introduction of new references throughout the examination of this application, is indicative of the "nonobviousness" of the present invention. Applicant's attorney respectfully contends that the accumulation of documents in order to contest the "obviousness" of the present invention is merely a hindsight analysis of the present invention. If one having "ordinary skill in the art" would turn to other prior art references in an effort modify the Rhodes patent so as to achieve the advantages of the present invention, then it is likely that such person with "ordinary skill in the art" would have already found the appropriate prior art references and would have appropriately applied such prior references. Since the parent application herein was filed in 1998, Applicant respectfully contends that one of ordinary skill in the art would have possibly located the proper prior art references before six years subsequent to the filing.

With respect to the prior art references, Applicant contends that the previously submitted arguments relative to the combination of the Rhodes and DiSalvo patents are applicable herein. The Rhodes patent relates to an airbag and to a cover serving as a closure for the airbag. In the Rhodes patent, there is no reference to the use of a thermoformable synthetic cellular material as a layer permitting the shaping and the strengthening of the cover. In the Rhodes patent, the equivalent of the hinge of the cover is made from an independent flap added onto this cover by riveting. In contrast, in the present invention, this hinge is made in the mass of the cover by thinning it. In other words, the flap of the present invention is “integrally formed with and extending from” the first edge of the body, as recited in independent Claim 17.

The prior art DiSalvo patent relates to a closure device for a compartment of the airbag. This device includes a closure panel (10) placed on the opening of the compartment and articulated on one side using mechanisms that form a hinge. The side opposite to the articulation side has a frangible zone that can break under the pressure exerted by the airbag during its deployment. As can be seen in FIGS. 2 and 2A of the DiSalvo patent, the DiSalvo patent discloses a support layer 38 in the area of this frangible zone. This defines the recess 50 for a ring-shaped tab 48. This tab makes it possible to lock the closure panel 10 in a closed position and has grooves 60 that define a breaking line. Thus, under the action of the pressure exerted by the airbag cushion, the tab 48 is separated from the closure 10.

In Examiner’s analysis, the Examiner has indicated that the structural support layer 38 corresponds to the piece of textile material 12 provided at the level of the hinge zone of the present invention. Applicant respectfully contends that this analysis is erroneous. First, the support layer 38 cannot be flexible because it functions as a support structure for the tab 48 (see column 4, lines

59 to 61). If it were flexible, this support layer 38 could not act as a protection for the ring-shape tab 48. It could no longer function as a support point for the tab 48. This arrangement would make its breakage easier by a protruding effect when a pressure is exerted on the closure 10 by the airbag cushion during inflation. Additionally, the support layer 38 is located in the area of the frangible line of the closure 10 and not at the area of the hinge (in contrast to that of the present invention).

The prior art combination of the Rhodes and DiSalvo patents would produce a device that is different from the present invention, as claimed in independent Claim 17. In the present invention, the first layer of the body device is formed of a synthetic thermoformable material. Such a structure is neither shown nor suggested by the combination of the Rhodes and DiSalvo patents. Additionally, the complete structure of the configuration of the combination of Rhodes and DiSalvo, as suggested by the Examiner, would provide a structure quite different patent from that of the present invention.

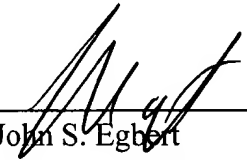
The Rheinlander patent describes a cover for a dashboard of an automotive vehicle, as well as for an inflatable cushion. According to the Examiner, it would have been obvious for one of ordinary skill in the art to combine these three documents in order to create the present invention. In contrast to the present invention, the Rheinlander patent describes the use of two skins connected together in a molding operation called a "double slush". This molding procedure is quite different than that of the present invention. In the present invention, a single layer of material is used to perform the function of the hinge. The two skins used in the Rheinlander patent would not be considered "a flap of flexible material integrally formed with and extending from the first edge of the body". As such, the combination of the Rheinlander patent with the Rhodes and DiSalvo patents would not show the teachings of the present invention, as defined by independent Claim 17.

Based upon the foregoing analysis, Applicant contends that independent Claims 17 and 20 are now in proper condition for allowance. Additionally, those claims which are dependent upon these independent claims should also be in condition for allowance. Reconsideration of the rejections and allowance of the present claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

Applicant is desirous of proceeding to Appeal at an early date. If the Examiner should determine that the claims herein are not allowable, then Applicant respectfully requests that the next Office Action be a "final" rejection. Applicant's attorney feels that any further argument with respect to the same prior art references would not further progress the present application.

Respectfully submitted,

7.15.04  
Date

  
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